

42-205	DETERMINING OWNERSHIP OF REAL AND PERSONAL PROPERTY	42-205
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.1 Declaration of Property Ownership

The applicant's declaration of the property he and/or his spouse own is considered sufficient proof of property ownership unless there is information indicating probable ownership of property other than that declared. In the presence of such information, the facts as to ownership must be determined from appropriate records, such as recorder's records, bank deposits and withdrawals and/or through affidavits of the applicant or recipient and other individuals concerned.

.2 Title Shared with Others

There is a presumption that those who share title have equal rights to possession, control and use of the property but the presumption may be refuted by evidence to the contrary. The source and amount of funds invested in the property or the facts around the inheritance, if it was acquired in this way, must be determined in order to arrive at the share which the applicant or recipient and/or his spouse actually owns.

.3 Community Property

Each spouse is presumed to own a one-half interest in community property, regardless of which spouse holds the property. All property held in the name of the spouse of a married person is presumed to be community property unless evidence establishes it to be separate property. Exception: Burial trusts and interment plots are considered the separate property of the spouse who is to be the beneficiary or user.

.4 Child Lives with Mother and Stepfather

When a child lives with his mother and stepfather, each spouse is presumed to own a one-half interest in property held by either spouse, unless this presumption is refuted by evidence which established it to be the separate property of one spouse.

.5 Sponsored Noncitizens

For purposes of this section, "sponsored noncitizen" applies to noncitizen who are sponsored by an individual(s) (see Section 43-119.2).

.51 The resources of the noncitizen's sponsor and the resources of the sponsor's spouse who lives with the sponsor as provided in Section 43-119.22, shall be deemed to be the sponsored noncitizen's resources.

42-205	DETERMINING OWNERSHIP OF REAL AND PERSONAL PROPERTY	42-205
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(Continued)

- .52 Determine the total value of real and personal property of the sponsor and the sponsor's spouse as if they were applying for aid (for real property, see Section 42-215.1; for personal property and vehicles, see Food Stamp regulations at Manual of Policies and Procedures Section 63-501.5);
- .53 If a person is the sponsor of more than one noncitizen, divide the amount determined in Section 42-205.52 above by the number of sponsored noncitizens receiving CalWORKs cash aid, including the number of sponsored noncitizens in the applicant's AU. This amount shall be deemed to be the resources of each applicant or recipient who is a sponsored noncitizen. If the deemed resources alone or in combination with other property of the AU exceed the property limits described in Section 42-207, ineligibility results, but only for the sponsored noncitizen(s).
- .54 These resources shall not be considered as the resources of other applicants or recipients in the family who are not sponsored noncitizens, unless such resources are actually available to these other persons, e.g., the sponsor establishes a trust fund that is available to meet the current needs of the family.

.6 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11008.135, 11155, 11155.1, 11155.2, and 11257, Welfare and Institutions Code; and 8 U.S.C. 1631(a).

42-207	PROPERTY WHICH MAY BE RETAINED BY AN APPLICANT	42-207
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- .1 An applicant or recipient AU may retain countable resources in an amount equal to the amount allowed in the Food Stamp regulations at Manual of Policies and Procedures Section 63-1101. The value of real and personal property including resources not excluded elsewhere by regulations, owned by a CalWORKs FG/U family shall not exceed the Food Stamp resource limit. If the limit is exceeded, the family or child is ineligible.

HANDBOOK BEGINS HERE

- .2 Food Stamp regulations at Manual of Policies and Procedures Section 63-1101.1 allows retention of \$3,000 for an AU which includes at least one member aged 60 or older, and \$2,000 for all other AUs. These limits may change in accordance with changes in Food Stamp resource limits.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11155 (Ch. 270, Stats. of 1997), 11155.2, and 11257, Welfare and Institutions Code.

42-209	DIFFERENTIATION OF PROPERTY AND INCOME	42-209
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Some payments may be considered property, income, or a combination of both. For the differentiation of such payments, see Section 44-105.

42-211	PROPERTY ITEMS TO BE INCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED	42-211
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.1 Real Property to Be Included

.11 In addition to the items included in the definition of real property in Section 42-203.1, the following are to be evaluated as real property:

- a. Cemetery property held for profit.
- b. Stocks in a water company not appurtenant to the land in furnishing water for agricultural purposes.
- c. The items defined in this section which are owned (see Section 42-203) by an applicant or recipient are subject to the limits set forth in Section 42-207, unless specifically excluded by Section 42-213.1.

.12 Real property owned by an applicant or recipient includes real property which:

- a. secures any of his debts.
- b. is being purchased by him under a contract of sale, or mortgage and/or deed of trust.
- c. is being sold by him under contract of sale, but no contract has actually been signed.
- d. is being held by him with retention of life estate.
- e. is held in trust for him and is available to him for disposition or use.
- f. is held for him in an undistributed estate and is available for his use prior to distribution.
- g. is being sold by him and is held in escrow.

.2 Personal Property to Be Included: The county shall determine personal property and vehicles to be included in evaluating property which may be retained in accordance with methods established under the Food Stamp regulations at Manual of Policies and Procedures Sections 63-501.1 and .2).

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11155 (Ch. 270, Stats. of 1997), Welfare and Institutions Code.

42-213	PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED	42-213
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.1 Real Property to Be Excluded

.11 The following items are to be excluded in evaluating real property:

- a. Real property held in trust if the child or parent does not have control of the trust of which he is the beneficiary.
- b. The separate and community share of real property of a parent who has surrendered full custody of his child pursuant to a court order.
- c. The separate and community share of real property of a parent who has relinquished his child for adoption.
- d. The separate and community share of real property of the father of a child who is not married to the mother and the parents are not maintaining a home together. Exception: If the father has legitimized the child under Section 230 of the Civil Code, his property is included whether or not the parents are maintaining a home together.
- e. The separate and community share of real property of a stepfather.
- f. Property purchased with funds received under Title I or Title II of the Economic Opportunity Act when such funds were excluded from consideration as income or resources. This exclusion does not extend to income or profits from such property.
- g. An Indian's interest in land held in trust by the United States Government is excluded in evaluating real property which is subject to the monetary limits as set forth in Section 42-207.
- h. The separate and community shares of real property of the absent parent which are unavailable to the CalWORKS family or child (i.e., the family or child does not have possession or control of the property so that the property may be used to meet current needs). Such unavailable property is to be excluded in cases where the child is living apart from his/her parent or parents. The exclusion applies to a child in foster care regardless of whether his/her parents are maintaining a home together.

An availability determination of the separate community shares of real property of an absent parent must be made by the county as part of the initial eligibility determination. After the initial eligibility determination, the county only needs to make another availability determination when the county receives information that there has been a change.

42-213	PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED (Continued)	42-213
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- i. The real property in which an CalWORKs recipient has an ownership interest and which is considered in an SSI/SSP resource evaluation.
 - (1) The total value of property owned separately by the CalWORKs recipient who is either the spouse or parent of the SSI/SSP recipient and resides in the same household.
 - (2) The total value of property owned jointly between the CalWORKs recipient and the SSI/SSP spouse or child when they reside in the same household.
 - j. The separate and community share of real property of an APSB recipient (see Section 42-205.3, Community Property).
 - k. A maximum of one burial plot for each member of the Assistance Unit. For purposes of this section, a burial plot is defined as an interment space, crypt or niche intended for the interment of the applicant or recipient.
- .12 Real property, not otherwise excluded, that the assistance unit is making a good faith effort to sell may be exempt from consideration in the resource limit described in Section 42-207 for a period of no more than nine consecutive months. Any six-month period, which was the maximum period permitted by these regulations as they were effective prior to January 1, 1987, ending on or after December 31, 1986 may be extended to nine months at the recipient's request.
- .121 As a condition of receiving aid during the exempt period and prior to the county granting aid, the applicant/recipient shall:
- (a) Grant the county a lien against the property which shall be payable to the county when the property is sold (see Section 42-213.122), and
 - (b) Agree in writing to begin immediately to make a good faith effort to sell the property. See Section 42-213.123 for what constitutes a good faith effort. If the applicant/ recipient elects not to sell the property at any time prior to the expiration of the nine months, the property shall no longer be exempt from consideration in the resource limit.
- .122 The county shall have the lien notarized (notarization by the county designated notary is acceptable) and then promptly record the lien in the county recorder's office where the property is located. The lien document shall:

42-213	PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED (Continued)	42-213
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- (a) Clearly show that the purpose of the lien is to repay the county the amount of repayable aid received during the exempt period. See Section 42-213.124. The lien, in itself, shall not require the sale of the property.
 - (b) Contain a legal description of the property that the lien is against. A legal description of the property can be obtained from the tax assessor's rolls of the county where the property is located.
 - (c) State the name(s) of the owner(s) of the property as it appears on the county assessor's rolls. The lien shall be binding on the applicant/recipient and his or her heirs, executors, administrators, and assignees.
- .123 In order to make a good faith effort to sell the property, as a condition of receiving aid during the exempt period, the applicant/recipient shall, at a minimum, either:
- (a) List the property for sale with a licensed real estate broker at the property's approximate fair market value (see Section 42-213.123(c)) and be willing to negotiate the terms of the sale with potential buyers, or
 - (b) Make an individual effort to sell the property which shall include all the following:
 - (1) Advertising once a week in at least one publication of general circulation that the property is for sale. When an AU becomes resource eligible it will no longer be required to use out-of-pocket expenditures to market the property but shall continue to comply with Section 42-213.123(a). [Resource eligibility exists when the equity value of the real property (see Section 42-213.124) plus all countable resources is less than the property limits described in Section 42-207].

HANDBOOK BEGINS HERE

- (A) Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

HANDBOOK ENDS HERE

- (2) Place a sign on the property indicating that the property is for sale. Whenever possible, the sign shall be visible from the street.
- (3) Offer the property for sale at its approximate fair market value. See Section 42-213.123(c).

42-213	PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED (Continued)	42-213
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- (4) Be willing to negotiate the terms of the sale with potential buyers and respond to all reasonable inquiries about the property.
 - (c) For purposes of this section, the fair market value of the property shall be the applicant/recipient's choice of:
 - (1) The assessed value of the property, or
 - (2) A valuation of the market value of the property obtained by the applicant/recipient from a licensed real estate broker.
 - (3) In exceptional circumstances, such as when the property is located in a remote area and it is impossible or impractical to obtain a valuation, and the applicant/ recipient believes that the assessed value is too high or too low, the county and the applicant/recipient may agree on the market value based upon other available information.
- .124 Any aid paid during the nine-month period or until the property is sold, whichever comes first, shall be considered repayable aid at the time of the sale of the property and shall be collectible from the net proceeds of the sale of the property. The amount of repayable aid shall be determined as follows:
- (a) If the net proceeds from the sale of the property plus the value of other countable real and personal property at the beginning of the exempt period are less than the resource limit specified in Section 42-207, there shall be no repayable aid.
 - (1) Property liens established to repay **CalWORKs** grants shall be counted as allowable encumbrances when determining the equity value of real property for eligibility purposes.
 - (b) If the amount of aid paid during the exempt period exceeds the net proceeds of the sale of the property, then the amount of repayable aid is the amount of the net proceeds.

42-213	PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED (Continued)	42-213
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HANDBOOK BEGINS HERE

- (1) Example: The county did not count the value of a lot with a house that was owned but not occupied by an assistance unit in the resource limit as allowed under this section. At the end of nine months, the property sold for \$29,000 and the family had received \$3,960 in aid payments. The net proceeds of the sale were determined to be \$3,000. The amount of repayable aid is \$3,000 because the net proceeds were less than the amount of aid paid during the exempt period.

HANDBOOK ENDS HERE

- (c) The net proceeds of the sale are determined by subtracting from the gross amount of the sale the costs verified by the county to be directly related to the sale of the property, such as:
- (1) Loans and liens of the seller that are secured by the property,
 - (2) Title insurance fees paid by the seller,
 - (3) Brokers fees paid by the seller,
 - (4) Prepaid interest or loan processing fees (points) paid by the seller,
 - (5) Appraisal fees paid by the seller,
 - (6) Fees paid by the seller to advertise the property, i.e., newspaper aids and for sale signs.
- .125 The county shall inform the applicant/recipient at the time this exemption is granted that it is time-limited; and, at the end of nine months the assistance unit will be ineligible if the property has not been sold and the combined value of real and personal property continues to exceed the **property** limit specified in Section 42-207.
- .126 The county shall retain sufficient documentation to determine the amount of repayable aid that will be collectible when the property is sold.

42-213	PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED (Continued)	42-213
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- .2 Personal Property and Vehicles to Be Excluded: The county shall determine personal property items and vehicles to be excluded in evaluating property in accordance with methods established under the Food Stamp Program (see Food Stamp regulations at Manual of Policies and Procedures Sections 63-501.3, .52, and .53).
- a. through aa. Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.
- .3 A home, regardless of its value, occupied by the assistance unit shall be excluded in evaluating property which may be retained.
- .31 Any house, mobile home, camper, trailer, houseboat or any other dwelling whether assessed as real or personal property by the county assessor is excluded if such an item of property is occupied by the AU as a home (place of residence). Property shall continue to be considered the home during temporary absence for reasons such as illness, seasonal employment, visits, extreme climatic conditions, etc., provided the recipient plans to, and it appears will be able to, return to the home when such circumstances no longer exist.
- .32 The excluded home may be the unit of a multiple-dwelling unit that is occupied by the assistance unit as a home. A home and a separate unit adjacent to the home shall be treated as a multiple dwelling unit.
- .321 The unit(s) of the multiple dwelling that is (are) not occupied by the assistance unit shall be treated as a resource and the value must be included in the property limit described in Section 42-207. See Section 42-215 for the method of determining the value of real property.
- (a) If the assistance unit is making a good faith effort to sell the unit(s) that is (are) not occupied as a home, the unit(s) may be exempt from consideration in the resource limit for a period of time under the conditions specified in Section 42-213.12.
- (b) If the unit(s) that is (are) not occupied as a home cannot be sold separately, the unit(s) is (are) unavailable to meet current needs and shall be excluded in evaluating property. (See Section 44-113.1 for the treatment of income received from the rental of real property.)
- .4 The home which was the usual home of an applicant/recipient who has entered into marital separation shall be treated as follows:
- .41 The usual home shall be exempt in determining an applicant's eligibility for CalWORKs and for three months following the end of the month in which aid begins.

42-213	PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED (Continued)	42-213
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HANDBOOK BEGINS HERE

See Section 44-317.

HANDBOOK ENDS HERE

- .42 The usual home shall be exempt in evaluating a recipient's retained property during the month of separation and for three months following the end of the month in which the separation occurs.
- .43 The applicant/recipient shall be informed when the exemption is granted that it is time-limited and that the expiration of the three month period may result in ineligibility.
- .44 See Sections 42-213.3 and 42-201.1 for situations which require the home to remain excluded from property evaluation following the three month exemption period.
- .5 Other property which is mandatorily and specifically exempt by federal law and shall be exempt from the effective date as specified in federal law.
 - .51 Property which is mandatorily exempt under federal law includes, but is not limited to:
 - .511 Public Law (PL) 92-254 or PL 94-540 which exempts any funds distributed per capita or held in trust for members of any Native American tribe under PL 92-254 or PL 94-540.
 - .512 PL 93-134, PL 97-458 and PL 98-64 which exempt as property the funds of Native American tribes including interest earned from, investment income derived from and initial purchases made with such funds when the funds have been:
 - (a) Distributed by the Secretary of the Interior on a per capita basis; or
 - (b) Held in trust by the Secretary of the Interior; or
 - (c) Individually owned trusts or restricted lands.
 - .513 PL 100-241 which exempts distributions to a household, individual Native or descendent of a Native when received from a Native Corporation established pursuant to the Alaskan Native Claims Settlement Act (ANCSA). Exempt distributions include:
 - (a) Cash (including cash dividends on stock received from a Native Corporation) to the extent it does not exceed \$2,000 total per person per anum, stock, a partnership interest, land or interest in land, and interest in a settlement trust.

42-213 (Cont.)	PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED (Continued)	42-213
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- .514 PL 100-383 which exempts payments received as restitution made to U.S. citizens and permanent resident aliens of Japanese ancestry, and payment received as restitution made to Aleuts as a result of being relocated by the United States government during World War II.
- .515 PL 100-707 which exempts federal major disaster and emergency assistance provided under the Disaster Relief Act and comparable disaster assistance provided by the state, local governments and disaster assistance organizations.
- .516 PL 101-201 and PL 101-239 which exempt payments received from all Agent Orange settlements.
- .517 PL 101-426 which exempts payments received under the Radiation Exposure Compensation Act.
- .518 PL 101-508 which exempts Earned Income Credit (EIC) payments for the month it is received and the following month.
- .519 PL 103-286 which exempts payments received by victims of Nazi persecution.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11155 (Ch. 270, Stats. of 1997), 11155.2, 11155.5, and 11257, Welfare and Institutions Code; Sidwell v. McMahon, United States District Court (E.D. Cal.) May 7, 1990, civil no. S-89-0445; Public Laws 97-458, 98-64, and 103-286; and Federal Action Transmittal 91-23.

42-215	DETERMINING VALUE OF PROPERTY	42-215
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.1 Determination of Value of Real Property

For determination of CalWORKs eligibility, an applicant or recipient's **net market value** interest in real property is determined by subtracting any allowable encumbrance against it from its market value (42-215.21).

- .11 Acceptable evidence of allowable encumbrances on real property are listed below:**
- (a) Mortgages
 - (b) Notes
 - (c) Deeds of trust

42-215	DETERMINING VALUE OF PROPERTY (Continued)	42-215
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- (d) Payment receipts
 - (e) Loan payment books
 - (f) Delinquent tax liens
 - (g) Judgments items
 - (h) Mechanics liens
 - (i) Assessments
 - (j) Unpaid balance on property
- .12 Applicant and/or Spouse Not Sole Owners
- If the applicant or the applicant and his spouse are not the sole owners of property, only his or their proportionate share is included in their respective holdings.
- .13 In order to identify real property holdings of recipients, the county shall, at least, contact the local county assessor, recorder or tax collector.
- .2 Acceptable Evidence of Value of Real Property
- .21 In CalWORKs the market value of real property shall be based on the most recent appraisal of market value from the county assessor, recorder or tax collector.
- .22 Evidence of an allowable encumbrance in .21 above shall be the written document which supports it. Evidence of unwritten encumbrances shall be the sworn statements of all parties, under penalty of perjury, to the following:
- .221 initial and maturity date;
 - .222 extent of encumbrances; and
 - .223 value received
- .3 Determination of Value of Personal Property Other than Motor Vehicles: The county shall determine the value of personal property in conformance with methods established under the Food Stamp Program. (See Food Stamp regulations at Manual of Policies and Procedures Section 63-501.5.)

HANDBOOK BEGINS HERE

- .31 Food Stamp regulations at Manual of Policies and Procedures Section 63-501.5 states that the value of nonexcluded resources shall be their equity value. The equity value is the fair market value less encumbrances.

HANDBOOK ENDS HERE

- .32 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.
- .33 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.
- .34 Repealed by Manual Letter no. EAS-98-03, effective 7/1/98.
- .4 Determination of Vehicle Value: The county shall determine the value of vehicles in conformance with methods established under the Food Stamp Program. (See Food Stamp regulations at Manual of Policies and Procedures Section 63-501.5.)

HANDBOOK BEGINS HERE

- .41 Food Stamp regulations at Manual of Policies and Procedures Section 63-501.5 state that the value of nonexcluded vehicles, except licensed vehicles as specified in Section 63-501.52, shall be their equity value. The equity value is the fair market value less encumbrances.

HANDBOOK ENDS HERE

- .42 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.
- .43 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.
- .44 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.
- .45 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.
- .5 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.
- .6 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10063, 10554 and 11155 (Ch. 270, Stats. of 1997), Welfare and Institutions Code.

42-219 ACQUISITION AND CONVERSION OF REAL AND PERSONAL PROPERTY 42-219

.1 Conversions of Property

These regulations are to be applied in a flexible and reasonable manner which within the limits specified in the code, will allow the recipient a maximum freedom of choice in the acquisition, conversion, or disposition of property resources without affecting his eligibility.

Real or personal property may be acquired or converted to other forms by a recipient without affecting eligibility if the resultant holdings do not exceed the maximum allowed by the code.

Payments which include compensation for property which was lost, stolen, damaged, or destroyed shall be evaluated in accordance with Section 44-105.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 10554, Welfare and Institutions Code.

42-221 TRANSFER OF PROPERTY OR INCOME 42-221

.1 The receipt of aid shall not limit or restrict a recipient's right to give, receive, sell, exchange, or change the form of property or income holdings. A period of ineligibility (POI) shall result when a recipient AU gives away or transfers, for less than fair market value (FMV), nonexcluded income or property that would cause the AU to exceed its eligibility for benefits. (See Section 42-207 for property limits.)

.2 Property

.21 The POI shall be computed based on the amount that, when added to other countable property, would have exceeded the property limit if the property had been transferred at its FMV. The county shall determine the POI as follows:

.211 Establish the FMV of the property transferred;

.212 Add other countable property;

.213 Subtract the amount of the property limit ;

.214 Subtract the amount actually received for the property from the FMV amount determined in Section 42-221.211;

.215 Compare the amount calculated in Section 42-211.213 with the amount calculated in Section 42-221.214 and determine the lesser of the two amounts;

.216 Divide the lesser of the two amounts in Section 42-221.215 by the MBSAC for the AU;

.217 Round the resulting figure down to the nearest whole number to determine the number of months in the POI.

HANDBOOK BEGINS HERE

.3 Example: While on aid, a recipient AU of two persons inherits a parcel of real property with a FMV of \$1,300. The value of this inherited property, when added to other (\$1,400) countable property held by the AU, causes the AU to exceed the allowable property limit (\$2,000). The AU sells the parcel for \$100, which is less than its \$1,300 fair market value.

.31 Computation Factors:

\$ 1,300	FMV of the parcel of real property
+ 1,400	Property held by the AU
\$ 2,700	
- \$ 2,000	AU property limit. (See Section 42-207.)
\$ 700	Amount in excess of the property limit
\$1,300	FMV of the parcel of real property
- 100	Amount actually received by the AU for the real property
\$1,200	Difference between the FMV and the amount received for the property.

\$700 is less than the \$1,200 difference between the FMV and the amount received for the transferred property

\$700 divided by \$624* = 1.12 months

POI = 1 month (rounded down from 1.12 months)

*MBSAC for AU of 2 = \$624; MBSAC amounts are subject to change.

HANDBOOK ENDS HERE

.4 Income

A POI shall result when, in the month of receipt, a recipient gives away or transfers, for less than FMV, nonexempt, nonrecurring income that would cause the AU to be ineligible for a cash aid payment. A transfer for less than FMV results when a recipient uses nonexempt, nonrecurring income to purchase a product or service with an FMV less than the money transferred. (See Section 44-315 for amount of aid.)

.41 Income is considered nonrecurring for purposes of the transfer of POI Income rules if all the following apply:

.411 the income is not interest income or contractual income as specified in MPP Section 44-102 which requires a specified treatment;

42-221	TRANSFER OF PROPERTY OR INCOME (Continued)	42-221
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- .412 the income is for a period of more than one month, and
- .413 the income is not from a source expected to occur regularly.
- .42 The POI shall be computed based on the amount of net nonexempt income (NNI) given away or transferred for less than FMV that would have made the AU ineligible for a cash aid payment. The county shall determine the POI as follows:
 - .421 The amount of the nonexempt income given away or transferred is combined with all other nonexempt income to determine the NNI. (See Section 44-315 for amount of aid.) Subtract the MAP from the NNI;
 - .422 Take the amount transferred, and subtract from it the value of anything received from the transfer.
 - .423 Compare the amount calculated in Section 42-221.421 with the amount calculated in Section 42-221.422 and determine the lesser of the two amounts;
 - .424 Divide the lesser of the two amounts in Section 42-221.423 by the MBSAC for the AU, and
 - .425 Round the resulting figure down to the nearest whole number to determine the number of months in the POI.

HANDBOOK BEGINS HERE

.5 Example: While on aid, a recipient AU of four persons receives disability-based unearned income (DUI) in the amount of \$3,005. The recipient gives \$2,000 to a relative. The AU has \$800 per month in gross earned income.

.51 Computation Factors:

\$3,005	DUI
-225	Income Disregard
\$2,780	Net DUI
\$800	Earned Income
-400	50% Earned Income Disregard
400	Nonexempt Earned Income
\$2,780	Net DUI
+400	Nonexempt Earned Income
\$3,180	NNI

HANDBOOK CONTINUES

42-221	TRANSFER OF PROPERTY OR INCOME (Continued)	42-221
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HANDBOOK CONTINUES

\$3,180	NNI
-728	MAP for four (Region 1)
\$2,452	Adjusted NNI
\$2,000	Amount of income transferred
- 0	Amount received from the transfer
\$2,000	Difference
\$2,452	Adjusted NNI
\$2,000	Difference between the amount transferred and the value of anything received from the transfer (lesser of the two)

\$2,000 divided by \$920 (MBSAC for four, Region 1) = 2.17 months

POI = 2 months (rounded down from 2.17 months)

HANDBOOK ENDS HERE

.6 Applying the Period of Ineligibility (POI)

.61 When the family has transferred property or income which results in a POI, the POI begins as follows:

.611 When the period of ineligibility is one month, the POI shall begin in the payment month and aid shall be suspended.

.612 When the POI is two months or more, aid shall be discontinued and the POI shall begin in:

(a) The month following the transfer when the county has taken appropriate action to avoid or minimize an overpayment for that month. Any aid received by the family unit during that month is an overpayment.

OR:

(b) The payment month.

.613 When the transfer is discovered too late to suspend or discontinue for the corresponding payment month, the POI shall begin in that corresponding payment month and any aid payments received during the POI are overpayments.

.614 When the transfer is in the first or second month of aid, any resulting POI begins in the month the transfer was made. Any aid received during the POI is an overpayment.

42-221	TRANSFER OF PROPERTY OR INCOME (Continued)	42-221
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.7 Transfer of property or income rules do not apply to applicant families.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11157.5 (Ch. 270, Stats. of 1997 and Ch. 902, Stats. of 1998), Welfare and Institutions Code.

42-223	SPECIAL PROPERTY CONSIDERATIONS	42-223
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.1 Property in Another State

Since the method for computing the assessed value of real property in other states may not be the same as that utilized in California, it is necessary to convert values arrived at by other states into figures that are comparable to the value referred to in EAS 42-215.21. This should be accomplished by application of the following conversion formula:

Assessed value of property in another state	divided by	Assessment Value as rate of that state	=	used in EAS 42-215.21
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42-223	SPECIAL PROPERTY CONSIDERATIONS (Continued)	42-223
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.2 Tax Exemptions

Veterans (and in some cases their widows and parents) are allowed certain tax exemptions which are applied either to real or personal property. If the record used to determine the full value of the property shows only the amount of assessment upon which taxes are based, the amount of exemption would be determined and added to the taxable value to determine the full value.

.3 Property Outside the United States

If property is located outside the United States, the full value is determined on the basis of the rate of exchange in American dollars, regardless of the manner by which other units of government determine the full value.

.4 Ownership of Property in Militarily Occupied Areas

Ownership and value of property located in countries actively at war or in conquered or occupied areas is considered to be in doubt and the facts as to the holdings usually cannot be ascertained. If it is impossible to obtain information on property located in such countries, it is the presumption that continued ownership is in doubt and that such property has no present value in determining eligibility.

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**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY
GENERAL TIME LIMIT REQUIREMENTS**

TABLE OF CONTENTS

CHAPTER 42-300 GENERAL TIME LIMIT REQUIREMENTS

	Section
General Time Limit Requirements for Adults	42-301
Time Limits.....	.1
Ineligible Due to Time Limits.....	.2
60-Month Time Limit Requirements for Adults	42-302
60-Month Time Limit1
Counting the 60-Month Limit2

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CHAPTER 42-300 GENERAL TIME LIMIT REQUIREMENTS

42-301 GENERAL TIME LIMIT REQUIREMENTS FOR ADULTS 42-301

- .1 Time Limits Effective January 1, 1998, there shall be time limits on the receipt of aid for certain adults as specified in Section 42-302.1. Prior to this date, no months shall count toward the time limit provisions.
- .2 Ineligible Due to Time Limits Persons who are ineligible for aid based on the 18- and 24-month time limit provisions, specified in Sections 42-710 and 42-711.94, and/or the 60-month time limit provisions, specified in Section 42-302, shall be removed from the AU.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11450 and 11454(a), (b), and (c), Welfare and Institutions Code.

42-302 60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS 42-302

- .1 60-Month Time Limit Except as specified in Section 42-302.11, no individual shall be eligible for aid when that individual has received aid as an adult, 18 years of age or older, for a cumulative total of 60 months. The 60-month time limit applies both to aid received under CalWORKs and under another state's program funded by the federal Temporary Assistance to Needy Families (TANF) Program. The 60-month time limit shall not apply to children.
- .11 Exceptions
- .111 Advanced Age The individual is 60 years of age or older.
- .112 Providing Care The individual is exempt from welfare-to-work participation requirements due to:

42-302	60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS (Continued)	42-302
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| | (a) | The need to care for an ill or incapacitated person residing in the home, and the caretaking responsibilities impair the individual's ability to be regularly employed or to participate in welfare-to-work activities. |
| | (b) | Being a nonparent caretaker of either a dependent child of the court, a Kin-GAP child, or, as determined by the county, a child who is at risk of placement in foster care. For this exemption to apply, the county must also determine that the caretaking responsibilities are beyond those considered normal day-to-day parenting responsibilities so that they impair the individual's ability to be regularly employed or to participate in the welfare-to-work activities. |
| .113 | Disabled | The individual is receiving benefits from State Disability Insurance, Worker's Compensation Temporary Disability Insurance, In-Home Supportive Services, or the State Supplementary Program, and the disability significantly impairs his/her ability to be employed on a regular basis or to participate in welfare-to-work activities. |
| .114 | Unable to Maintain Employment or Participate | The individual is not able to maintain employment or to participate in welfare-to-work activities, as determined by the county, based on the assessment of the individual and the county's finding that the individual has a history of participation and full cooperation in welfare-to-work activities. |
| .115 | Unaided | The individual is excluded from the AU for reasons other than exceeding the time limit. |
| .12 | Domestic Abuse | When an individual has been aided as an adult for 60 months, aid may continue for that adult when the individual is a victim of domestic abuse and the county has determined that good cause exists for waiving the 60-month time limit. See Section 42-713.22. |

42-302	60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS	42-302
	(Continued)	

- .2 Counting the 60-Month Limit
- Any month or partial month in which an adult is included in an AU that receives a cash grant, including Reduced Income Supplemental Payments (Section 44-400) and Special Needs, (Section 44-211), shall count for the purposes of the 60-month time limit, except as provided in Sections 42-302.21 (Exempt Months) and 42-302.22 (Diversion Count).
- .21 Exempt Months
- Any month in which any of the following conditions exist for any period during the month shall not count toward the 60-month limit as specified:
- (a) Disability
- The individual is exempt from welfare-to-work participation requirements due to a verified disability that is expected to last at least 30 days.
- (b) Providing Care
- The individual is exempt from welfare-to-work participation requirements due to:
- (1)
- The need to care for an ill or incapacitated person residing in the home, and the caretaking responsibilities impair the individual's ability to be regularly employed or to participate in welfare-to-work activities.
- (2)
- Being the nonparent caretaker of either a dependent child of the court, a Kin-GAP child, or, as determined by the county, a child who is at risk of placement in foster care. For this exemption to apply, the county must also determine that the caretaking responsibilities are beyond those considered normal day-to-day parenting responsibilities so that they impair the individual's ability to be regularly employed or to participate in the welfare-to-work activities.
- (c) Domestic Abuse
- The individual is a victim of domestic abuse and the county has determined that good cause exists for waiving the 60-month time limit. See Section 42-713.22.

42-302	60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS (Continued)	42-302
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| (d) | Teen Program | The individual is eligible for, participating in, or exempt from Cal-Learn or another teen parent program approved by the CDSS. The exemption does not apply to an individual who is 19 years of age and is eligible for voluntary participation if the individual chooses not to participate in Cal-Learn. |
| (e) | Advanced Age | The individual is exempt from welfare-to-work participation requirements due to being 60 years of age or older. |
| (f) | Unaided | The individual is excluded from the AU for reasons other than exceeding the time limit. |
| (g) | Aid is Reimbursed | The cash aid is fully reimbursed as a result of child support collection whether collected in that month or any subsequent month. This includes child support reimbursements for months of aid from other states. |
| (1) | Other States | When the individual's 60-month time limit has been reached and the individual declares that months of aid have been fully reimbursed in another state as a result of child support collection, the county shall verify this information and credit any verified month(s) for California's 60-month time limit. |
| (h) | Living in Indian Country | The individual lived in Indian country, as defined by federal law, or an Alaskan native village, in which at least 50 percent of the adults living in the Indian country or in the village are not employed. |
| (i) | Receiving Supportive Services | The individual is a former recipient of cash aid and is only receiving child care, case management or supportive services. |
| (j) | Grant Amounts \$10 Or less | The recipient does not receive a cash aid payment for the month because the grant amount is \$10 or less. |

42-302	60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS	42-302
	(Continued)	

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| .22 | Diversion Count | Diversion payments as set forth in Section 81-215 count toward the 60-month time limit unless they are recouped as provided in Section 42-302.223(a) or unless part or all of the diversion period is exempt as provided in Section 42-302.21 et seq. Count the months as follows: |
| .221 | Diversion Payment Month | The month in which a lump sum diversion payment is made counts as one month toward the 60-month time limit unless the diversion recipient applies for CalWORKs cash aid during the diversion period, as specified in Section 81-215.41, and is determined to be eligible for CalWORKs. In that case, the diversion payment is treated in accordance with Section 42-302.223. |

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42-302	60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS	42-302
	(Continued)	

HANDBOOK BEGINS HERE

.222	A recipient receives a diversion lump sum payment of \$1,800 in March. The month of March counts toward the 60-month time limit. The recipient's Region 2, Non-Exempt MAP amount is \$538. This results in a diversion period of three months for the months of March, April, and May. The recipient does not apply for CalWORKs cash aid during the diversion period. The recipient reapplies in September and receives another diversion payment of \$800 in September. The months of March and September both apply toward the 60-month time limit.
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| .223 | Reapplies for CalWORKs During Diversion Period | If the diversion recipient applies for cash aid during the diversion period and is determined eligible, the recipient shall have the option to: |
| | (a) | Have the diversion payment recouped from the CalWORKs cash aid; or |
| | (b) | Count the diversion payment toward the 60-month time limit. |
| | (1) | The number of months counted toward the 60-month time limit is calculated by dividing the total diversion payment by the MAP for the apparently eligible AU at the time the diversion payment was made. The month(s) resulting from this calculation, less any partial month, is (are) counted toward the 60-month limit. Do not count the initial month (as counted pursuant to Section 42-302.221) twice. |

42-302	60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS	42-302
	(Continued)	

HANDBOOK BEGINS HERE

.224 A recipient with a Region 2, Non-Exempt MAP of \$538 received a lump sum diversion payment in the amount of \$1,800 in March. The recipient returns to the county in May (within the diversion period), is determined eligible for CalWORKs cash aid, and opts not to have the \$1,800 diversion payment recouped from the CalWORKs cash aid. The diversion payment equates to 3.3 months of aid. The partial month is dropped, and the recipient has a total of three months (March, April, and May) counted toward the 60-month time limit.

.225 A recipient with a Region 2, Non-Exempt MAP of \$538 receives a diversion lump sum payment of \$100 on March 2. The recipient reapplies for CalWORKs cash aid in the same month and is determined eligible. The month of March counts as one month toward the 60-month limit because the recipient received CalWORKs aid.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code. Reference: Sections 11266.5, 11454, 11454.5, 11454.5(b)(4) and (5) and 11495.1, Welfare and Institutions Code, and 42 U.S.C. 608(a)(7)(A), (B) and (D).

**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY
RESIDENCE**

TABLE OF CONTENTS

CHAPTER 42-400 RESIDENCE

	Section
Residence.....	42-400
State Residence for Eligibility.....	42-401
Residence - General.....	42-403
Definition of Residence.....	.1
Duration of Residence.....	.2
Program Requirements.....	.3
Rights and Responsibilities of Applicants or Recipients	42-405
Rights of Residence Location1
Informing County of Residence Changes2
County Welfare Department Responsibility.....	42-406
Evidence of Residence Intention	42-407
Applicant or Recipient Physically Present in State1
Absence from the State2
Persons Incapable of Changing Residence.....	42-412
Deprived of Freedom of Movement1
Guardian or Conservator2
Persons on Parole	42-416
Persons Living on Land Leased or Owned by the United States.....	42-417
Recipients from Other States.....	42-421
California Recipients Moving to Other States.....	42-422

**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY
RESIDENCE**

TABLE OF CONTENTS (Continued)

CHAPTER 42-400 RESIDENCE

	Section
Notification to Apply in Another State	42-423
Applications by Recipients in Other States.....	42-424
Citizenship and Alienage.....	42-430
Eligibility Requirements.....	42-431
Proof of Citizenship or Eligible Alien Status.....	42-433
Cooperation.....	.1
Documentation - U.S. Citizens.....	.2
Documentation - Aliens.....	.3
Lack of Documentation.....	.4
Receipt of CA 6 from INS.....	.5
Language Fluency.....	42-435

CHAPTER 42-400 RESIDENCE

42-400 RESIDENCE 42-400

Residence in the state, but not in the county, is a requirement for receipt of aid. However, it is necessary to determine the county in which the applicant lives in order to establish county responsibility for payment of aid. (See Section 40-125.)

42-401 STATE RESIDENCE FOR ELIGIBILITY 42-401

No durational period of residence in the state or county is required.

42-403 RESIDENCE - GENERAL 42-403

.1 Definition of Residence

A person establishes residency by either:

- .11 Voluntarily living in the state with the intention of making his or her home for other than a temporary purpose. Residence may not depend upon the reason for which the individual entered the state, except insofar as it may bear upon whether the individual is there voluntarily or for a temporary purpose; or
- .12 Living in the state at the time of application, not receiving assistance from another state, and having entered the state with a job commitment or to seek employment, whether or not currently employed, (e.g., migrant and itinerant workers).

An AFDC-FG/U child living with a caretaker who qualifies under this definition, is a resident of the state in which the caretaker is a resident.

.2 Duration of Residence

Residence in the state established by either of the above criteria continues until the recipient leaves the state and establishes residence elsewhere. Temporary absence from the state, with subsequent returns, or the intent to return to the state when the purposes of the absence have been accomplished, does not interrupt continuity of residence (see 42-405, 406, and 407).

.3 Program Requirements

The husband or wife may each have a separate residence, a fact which is established by the actions and intent of each. An applicant for or recipient of aid does not lose residence for aid because of marriage, but moving out of state with the spouse also implies intent to establish residence elsewhere.

42-405	RIGHTS AND RESPONSIBILITIES OF APPLICANTS OR RECIPIENTS	42-405
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.1 Rights of Residence Location

Applicants for or recipients of aid have the same freedom of movement and choice of a place to live accorded other citizens of California.

.2 Informing County of Residence Changes

.21 An applicant or recipient, shall immediately inform the county to which he applied, or the county paying aid, if he goes to another county, state, or country, regardless of the anticipated date of return. (See Section 40-181.4.)

.22 Such an applicant or recipient shall cooperate with the county welfare department and provide the county with a monthly written statement explaining his reasons for absence from California, his intent to return to California and anticipated date of return. Failure to promptly provide such statements will result in immediate discontinuance of aid payments.

42-406	COUNTY WELFARE DEPARTMENT RESPONSIBILITY	42-406
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.1 Physical absence from the state indicates a possible change of residence. The county shall make inquiry, at the time of the next aid payment, from all applicants or recipients who have been continuously absent from the state for 30 days or longer in order to ascertain the recipient's intent to maintain California residency. If the inquiry establishes (see Section 42-407.2) that the recipient is no longer a California resident, aid shall be discontinued immediately.

.2 The response to the inquiry shall include, but is not limited to, the following:

.21 a statement of the applicant or recipient declaring his anticipated date of return to California, or his intent not to return to California.

.22 a statement of the applicant or recipient declaring his reason for continued absence from California.

.23 a statement of the applicant or recipient delineating the present location and status of the housing arrangements (owned, leased, or rented) for himself and his family (spouse and children).

42-406	COUNTY WELFARE DEPARTMENT RESPONSIBILITY (Continued)	42-406
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- .24 the completion and return of Form CA 7, giving his current employment status, and all other factors normally used to compute the recipient's needs.
- .25 a notice to the applicant or recipient that his failure to respond to the inquiry will result in his ineligibility and termination of aid payments.

42-407	EVIDENCE OF RESIDENCE INTENTION	42-407
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.1 Applicant or Recipient Physically Present in State

The written statement of the applicant or recipient is acceptable to establish his intention and action on establishing residence unless the statement is inconsistent with other statements on the Form CA 2, Form CA 7, or with the conduct of the person or with other information known to the county.

.2 Absence From the State

- .21 If an applicant or recipient does not respond, within 30 days, to the monthly county inquiry of residence (Section 42-406), it shall be presumed that he does not intend to maintain California residency and aid shall be discontinued immediately.
- .22 If the applicant or recipient responds to the inquiry, and advises the county that he does not intend to return to California, aid shall be discontinued immediately.
- .23 If the applicant or recipient responds to the inquiry and advises the county that he intends to maintain his California residency but he remains out of state for 60 days or longer, his continued absence is prima facie evidence of the applicant's or recipient's intent to have changed his place of residence to a place outside of California subject to Section 42-407.24. Such absence in itself is sufficient evidence to support a determination that the applicant or recipient has established residence outside of California. Therefore, his intent to return must be supported by one or a combination of the following:
 - .231 family members with whom the applicant or recipient lived, currently live in California.
 - .232 the applicant or recipient has continued maintenance of his California housing arrangements (owned, leased or rented).

42-407	EVIDENCE OF RESIDENCE INTENTION (Continued)	42-407
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- .233 the applicant or recipient has employment or business interests in California.
- .234 any other act or combination of acts by the applicant or recipient which establishes his intent to reside in California.
- .235 even if the recipient's intent to reside in California is supported by .231 through .234, it may still be established that the recipient does not have the intent to reside in California if any of the following situations occur and are significant enough to negate the evidence that supports California residence:
 - a. The applicant or recipient has purchased or leased a house out of state since leaving California.
 - b. The applicant or recipient has been employed out of state since leaving California.
 - c. The applicant or recipient has obtained an out-of-state motor vehicle driver's license since leaving California.
 - d. The applicant or recipient has taken any other action which indicates his intent to establish residence outside of California.
- .24 Continuous absence of 60 days or longer shall not be prima facie evidence of the applicant's or recipient's intent to have changed his place of residence to a place outside of California where he clearly shows:
 - .241 he has not, by act or intent, established residence outside of California; and
 - .242 his return to California was prevented by illness or an emergency.
- .25 Repealed by Manual Letter No. EAS-92-02, effective 3/1/92.

NOTE: Authority cited: Section 10553 and 10554, Welfare and Institutions Code. Reference: Senate Bill (SB) 991, Chapter 1285, Statutes of 1989 and WRL vs. McMahan, Case No. 268972 (Sacramento Superior Court), October 31, 1990.

42-415	PERSONS INCAPABLE OF CHANGING RESIDENCE	42-415
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.1 Deprived of Freedom of Movement

The place of residence for persons who are deprived by court action of freedom of movement remains the same as at the time of the court action.

.2 Guardian or Conservator

The place of residence for one for whom there is a court appointed guardian or conservator of the person may be changed by decision of the guardian or conservator accompanied by removal of the ward or conservatee to another place.

42-416	PERSONS ON PAROLE	42-416
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Persons on parole from correctional institutions may by intent establish residence.

42-417	PERSONS LIVING ON LAND LEASED OR OWNED BY THE UNITED STATES	42-417
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Persons living within the boundaries of California on land leased by United States= agencies from the state, its political subdivisions, or individuals, or on land owned by the United States, may by intent establish residence in the state.

42-421	RECIPIENTS FROM OTHER STATES	42-421
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Recipients of categorical aid from other states who move to California with the intent to make their homes here shall be granted aid promptly, if otherwise eligible. County welfare departments shall work out cooperative arrangements with the other state to preclude any break in the receipt of assistance and to avoid the duplication of aid payments from two states.

42-422	CALIFORNIA RECIPIENTS MOVING TO OTHER STATES	42-422
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Recipients of categorical aid from California who move to another state and intend to make their homes there shall have aid discontinued from California immediately upon having aid granted by the other state.

42-423	NOTIFICATION TO APPLY IN ANOTHER STATE	42-423
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The county welfare department shall give written notification to all recipients who are living out of the state to immediately apply for aid in the other state unless intent to return to California is clearly established and if the intent is to return to California, that application need not be made in the other state but California welfare regulations continue to apply to them. The notice shall indicate that aid shall be immediately discontinued unless the recipient responds within thirty days, indicating either that application has been made in the other state or that California residence is being retained.

42-424	APPLICATIONS BY RECIPIENTS IN OTHER STATES	42-424
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When notification is received by the county from the recipient that application for aid is being made in the other state, direct communication with the appropriate state or local welfare department in the other state shall be initiated to coordinate the discontinuance of aid from California and the granting of aid by the other state. However, pursuant to W&IC Section 11103, aid shall not be continued by California beyond the end of the month following that in which the recipient applies for aid in the other state. If the person is not eligible for aid in the other state, aid shall be discontinued immediately upon notification of this by the person or the other state.

42-430	CITIZENSHIP AND ALIENAGE	42-430
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Only citizens of the United States and certain categories of aliens are eligible for AFDC. Citizens must prove their citizenship and aliens must prove their eligible alien status. Aid shall not be authorized until eligible alien status is verified.

42-431	ELIGIBILITY REQUIREMENTS	42-431
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As suggested in Section 42-430, to be eligible for assistance an applicant or recipient must be a California resident who is either:

- .1 A citizen of the United States (defined for eligibility determination purposes to include persons who, though not United States citizens, are nationals of the United States by reason of their birth in certain unincorporated United States territories such as American Samoa or the American Virgin Islands), or
- .2 An alien who is:
 - .21 Lawfully admitted for permanent residence; or
 - .22 Permanently residing in the U.S. under color of law, including:

42-431	ELIGIBILITY REQUIREMENTS (Continued)	42-431
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- .221 Aliens lawfully present in the U.S. as a result of the application of the following provisions of the Immigration and Nationality Act.
 - a. Section 207(c), after March 31, 1980 - Aliens Admitted as Refugees.
 - b. Section 208 - Aliens Granted Political Asylum by the Attorney General.
 - c. Section 212(d)(5) - Aliens Granted Temporary Parole Status by the Attorney General.
- .222 Aliens granted status as Conditional Entrant Refugees pursuant to Section 203(a)(7) of the Immigration and Nationality Act in effect prior to April 1, 1980.
- .223 Aliens granted indefinite voluntary departure in lieu of deportation.
- .224 Aliens granted an indefinite stay of deportation.

42-433	PROOF OF CITIZENSHIP OR ELIGIBLE ALIEN STATUS	42-433
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A citizen must prove his/her citizenship to be eligible, as provided in Section 42-433.2. An alien must prove that he/she is in one of the eligible categories described in Section 42-431.2 above, by presenting the appropriate documentation described in Section 42-433.31 below.

.1 Cooperation

Every applicant and recipient shall provide all information necessary to determine his/her citizenship or alien status. An applicant or recipient whose citizenship or alienage is evidenced by a document issued by the Immigration and Naturalization Service (INS) (e.g., a naturalized citizen or person whose American citizenship is derived from the citizenship of another person) must cooperate with INS when the county desires that his/her documentation be verified by INS (as when the documentation presented is believed by the county to be of doubtful authenticity). Any applicant or recipient who refuses to cooperate in the verification of his/her status shall not be eligible. See Sections 40-105 and 40-157.3.

42-433	PROOF OF CITIZENSHIP OR ELIGIBLE STATUS (Continued)	42-433
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.2 Documentation -- U.S. Citizens

- .21 United States Citizenship as defined in Section 42-431.1 shall be documented by a birth certificate, or similar proof of birth in the United States or United States Territory, U.S. passport, certificate of citizenship or naturalization provided by INS, or an identification card for use of a resident citizen in the United States (INS Form I-179 or I-197). If such evidence is not available, the applicant shall state the reason and submit other evidence which proves his/her birth in the United States or United States Territory, or his/her citizenship. Examples of other evidence: documents which show the date and place of the applicant's birth such as confirmation papers or church record of confirmation, school records, Indian agency records (if applicable), adoption decree (if birth in the United States or United States Territory is shown), copy of discharge from military service, marriage certificate, or affidavits, or declarations made under penalty of perjury, by persons with direct knowledge of (1) the date and place of the applicant's birth in the United States, or (2) the U.S. citizenship of the applicant's parents, or (3) facts concerning the applicant which would not exist if he/she were not a citizen.
- .22 An otherwise eligible person who states on the CA 2 that he/she is a United States citizen, but who cannot provide the documentation or other proof specified in .21 above shall be eligible in the absence of any conflicting evidence, for aid pending verification of citizenship for a period up to 90 days after the date of application, (restoration, or reapplication) pending verification of his/her status. For persons receiving aid, as of the effective date of these regulations, whose only proof of citizenship was a certificate of registration to vote, the county shall continue aid pending verification of status for up to 90 days after the date of the next redetermination or for up to 90 days after the date verification is requested if earlier. Efforts to obtain satisfactory documentation shall be undertaken by the recipient in this period (see Section 40-157.21). At the end of 90 days, aid to the recipient shall be terminated unless the county in assisting the recipient, determines an extension of time is necessary to obtain documentation. The extension of time shall be appropriate to the particular situation, but in no event shall extend beyond the next annual redetermination date. At that time, if no satisfactory proof of citizenship can be obtained, the recipient shall be terminated from aid.
- .23 Aid to a person receiving aid pending verification of citizenship under .22 above shall be terminated if during the period of documentation gathering:

42-433	PROOF OF CITIZENSHIP OR ELIGIBLE ALIEN STATUS (Continued)	42-433
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- .231 He/she refuses to cooperate with the county and/or INS in determining his/her citizenship (see Section 42-433.1).
 - .232 The county verifies that he/she is not a citizen of the United States.
- .3 Documentation -- Aliens
 - .31 Every alien claiming eligible alien status as defined in Section 42-431 shall be required to present documentation of that status, as follows:
 - .311 Aliens lawfully admitted for permanent residence (Section 42-431.21): INS Form I-551, or earlier forms I-151, AR-3 and AR-3a, if specifically endorsed to show legal right to reside permanently.
 - .312 Aliens granted asylum or refugee status (Section 42-431.221(a) and (b) and 42-431.222): INS Form I-94, annotated with the term asylum or asylee, refugee or conditional entry or entrant.
 - .313 Parolees (Section 42-431.221(c)): INS Form I-94 (Arrival-Departure Record -- Parole Edition) endorsed to show bearer has been paroled in the U.S. pursuant to Section 212(d)(5) of the Immigration and Nationality Act.
 - .314 Persons granted indefinite voluntary departure or an indefinite stay of deportation (Section 42-431.223 and .224): A court order or correspondence from INS stating that the individual has been granted this status.
 - .32 An alien who declares or presents documentation that he/she is lawfully present for temporary residence (e.g., a visitor whose period of admission has not expired) is not eligible except as noted in Section 42-431.221(c).
 - .33 Documentation submitted by the alien applicant in accordance with .31 above which the CWD believes to be of doubtful authenticity shall be accepted as evidence of eligibility only if the applicant cooperates with the CWD and INS in verifying his/her status. See Section 42-433.1. A CA 6 shall be completed by the applicant which shall be referred immediately to INS. If INS returns the CA 6 to the CWD and indicates that INS is unable to complete the verification process due to noncooperation by the alien, the CWD shall delete the alien from the FBU. An alien who has been deleted from the FBU for this reason may complete another CA 6 but shall not be reinstated to the FBU until confirmation of eligible alien status is received by the CWD from INS.

42-433	PROOF OF CITIZENSHIP OR ELIGIBLE ALIEN STATUS (Continued)	42-433
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.4 Lack of Documentation

.41 If the alien or naturalized/derivative citizen has no documentation of eligible status, the county welfare department shall inform the individual that:

.411 He/she may contact INS or otherwise obtain an INS document or other conclusive evidence verifying citizenship or eligible alien status, or

.412 He/she may sign a CA 6, authorizing the county to contact INS to obtain the necessary verification.

.42 If an alien or naturalized/derivative citizen authorizes the county to contact INS to obtain verification of the applicant's status, the CWD shall forward two copies of the CA 6 to INS and retain a copy in the case file. When INS verification is returned to the CWD, the CWD shall notify the applicant.

.43 If the applicant does not wish to contact INS or give permission to the CWD to contact INS, the applicant may withdraw his/her application or the application shall be denied for noncooperation (see Sections 19-007.12 and 40-105.11).

.5 Receipt of CA 6 from INS

When an alien's eligibility has been confirmed by INS and the completed CA 6 has been received by the CWD, the CWD shall resume processing the application and the beginning date of aid rules in 44-317 shall apply.

42-435	LANGUAGE FLUENCY	42-435
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If an alien applicant is not fluent in English, it shall be the duty of the county to provide an understandable explanation of documentation requirements in a language in which he is fluent.

**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY
INSTITUTIONAL STATUS**

TABLE OF CONTENTS

CHAPTER 42-500 INSTITUTIONAL STATUS

Entire Chapter repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

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CHAPTER 42-500 INSTITUTIONAL STATUS

42-503 DEFINITIONS 42-503

Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 45 CFR 233.60, Section 3510 (October 1961), Federal Handbook of Public Assistance Administration, and Sections 10553, 10554, and 10604, Welfare and Institutions Code.

42-505 ELIGIBILITY IN A PUBLIC INSTITUTION 42-505

Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

42-509 ACCEPTABLE EVIDENCE OF ELIGIBILITY IN A PUBLIC HOSPITAL OR INSTITUTION 42-509

Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

42-513 ELIGIBILITY IN A PRIVATE HOSPITAL OR INSTITUTION 42-513

Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 45 CFR 233.60, Section 3510 (October 1961), Federal Handbook of Public Assistance Administration, and Sections 10553, 10554, and 10604, Welfare and Institutions Code.

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**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY
WORK INCENTIVE DEMONSTRATION PROGRAM**

TABLE OF CONTENTS

CHAPTER 42-600 WORK INCENTIVE DEMONSTRATION PROGRAM

	Section
Repealed by Manual Letter No. EAS-96-02, effective 1/26/96	42-600
Repealed by Manual Letter No. EAS-96-02, effective 1/26/96	42-625
Exemptions Summarized.....	42-630
Renumbered to Section 42-788 by DSS Manual Letter No. EAS-89-05, effective 7/1/89	
Exemptions Based on Age Under 16 (Code 01)	42-631
Renumbered to Section 42-789 by DSS Manual Letter No. EAS-89-05, effective 7/1/89	
Exemption Based on School Attendance (Code 02).....	42-632
Renumbered to Section 42-790 by DSS Manual Letter No. EAS-89-05, effective 7/1/89	
Exemption Based on Illness or Injury (Code 03)	42-633
Renumbered to Section 42-791 by DSS Manual Letter No. EAS-89-05, effective 7/1/89	
Exemption Based on Age 65 or Older (Code 04)	42-634
Renumbered to Section 42-792 by DSS Manual Letter No. EAS-89-05, effective 7/1/89	
Exemption Based on Incapacity (Code 05)	42-635
Renumbered to Section 42-793 by DSS Manual Letter No. EAS-89-05, effective 7/1/89	
Exemption Based on Remoteness (Code 06).....	42-636
Renumbered to Section 42-794 by DSS Manual Letter No. EAS-89-05, effective 7/1/89	
Exemption Based on Care of Another Individual in Household (Code 07)	42-637
Renumbered to Section 42-795 by DSS Manual Letter No. EAS-89-05, effective 7/1/89	
Exemption Based on the Care of a Child Under Six (Code 08).....	42-638
Renumbered to Section 42-796 by DSS Manual Letter No. EAS-89-05, effective 7/1/89	
Exemption Based on the WIN Demo Registration of Another Individual in Household (Code 09).....	42-639
Renumbered to Section 42-797 by DSS Manual Letter No. EAS-89-05, effective 7/1/89	
Exemption Based on Working 30 Hours per Week (Code 10)	42-640
Renumbered to Section 42-798 by DSS Manual Letter No. EAS-89-05, effective 7/1/89	

**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY
WORK INCENTIVE DEMONSTRATION PROGRAM**

TABLE OF CONTENTS (Continued)

CHAPTER 42-600 WORK INCENTIVE DEMONSTRATION PROGRAM

	Section
Repealed by DSS Manual Letter No. EAS-89-05, effective 7/1/89	42-641
Repealed by Manual Letter No. EAS-96-02, effective 1/26/96	42-645
Repealed by Manual Letter No. EAS-96-02, effective 1/26/96	42-650
Repealed by Manual Letter No. EAS-86-08, effective 9/5/86	42-655
Repealed by Manual Letter No. EAS-96-02, effective 1/26/96	42-660
Repealed by Manual Letter No. EAS-96-02, effective 1/26/96	42-675
Repealed by Manual Letter No. 85-44, effective 7/1/85	42-676
Repealed by Manual Letter No. 85-44, effective 7/1/85	42-677
Repealed by Manual Letter No. 85-44, effective 7/1/85	42-678
Repealed by Manual Letter No. EAS-96-02, effective 1/26/96	42-680
Repealed by Manual Letter No. EAS-96-02, effective 1/26/96	42-682
Repealed by Manual Letter No. EAS-96-02, effective 1/26/96	42-685
Repealed by Manual Letter No. EAS-96-02, effective 1/26/96	42-686
Repealed by Manual Letter No. EAS-96-02, effective 1/26/96	42-688
Renumbered to 42-655, per Manual Letter No. 85-44, effective 7/1/85	42-690
Repealed by Manual Letter No. EAS-96-02, effective 1/26/96	42-691

NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY WORK INCENTIVE DEMONSTRATION PROGRAM		42-635
Regulations		
42-600	INTRODUCTION TO THE WORK INCENTIVE DEMONSTRATION PROGRAM (WIN DEMO)	42-600
Repealed by Manual Letter No. EAS-96-02, effective 1/26/96		
42-625	WIN DEMO REGISTRATION AS A CONDITION OF AFDC ELIGIBILITY	42-625
Repealed by Manual Letter No. EAS-96-02, effective 1/26/96		
42-630	EXEMPTIONS SUMMARIZED	42-630
Renumbered to Section 42-788 by DSS Manual Letter No. EAS-89-05, effective 7/1/89.		
42-631	EXEMPTION BASED ON AGE UNDER 16 (CODE 01)	42-631
Renumbered to Section 42-789 by DSS Manual Letter No. EAS-89-05, effective 7/1/89.		
42-632	EXEMPTION BASED ON SCHOOL ATTENDANCE (CODE 02)	42-632
Renumbered to Section 42-790 by DSS Manual Letter No. EAS-89-05, effective 7/1/89.		
42-633	EXEMPTION BASED ON ILLNESS OR INJURY (CODE 03)	42-633
Renumbered to Section 42-791 by DSS Manual Letter No. EAS-89-05, effective 7/1/89.		
42-634	EXEMPTION BASED ON AGE 65 OR OLDER (CODE 04)	42-634
Renumbered to Section 42-792 by DSS Manual Letter No. EAS-89-05, effective 7/1/89.		
42-635	EXEMPTION BASED ON INCAPACITY (CODE 05)	42-635
Renumbered to Section 42-793 by DSS Manual Letter No. EAS-89-05, effective 7/1/89.		

NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY WORK INCENTIVE DEMONSTRATION PROGRAM		Regulations
42-636	EXEMPTION BASED ON REMOTENESS (CODE 06)	42-636
Renumbered to Section 42-794 by DSS Manual Letter No. EAS-89-05, effective 7/1/89.		
42-637	EXEMPTION BASED ON CARE OF ANOTHER INDIVIDUAL IN HOUSEHOLD (CODE 07)	42-637
Renumbered to Section 42-795 by DSS Manual Letter No. EAS-89-05, effective 7/1/89.		
42-638	EXEMPTION BASED ON THE CARE OF A CHILD UNDER SIX (CODE 08)	42-638
Renumbered to Section 42-796 by DSS Manual Letter No. EAS-89-05, effective 7/1/89.		
42-639	EXEMPTION BASED ON THE WIN DEMO REGISTRATION OF ANOTHER INDIVIDUAL IN HOUSEHOLD (CODE 09)	42-639
Renumbered to Section 42-797 by DSS Manual Letter No. EAS-89-05, effective 7/1/89.		
42-640	EXEMPTION BASED ON WORKING 30 HOURS PER WEEK (CODE 10)	42-640
Renumbered to Section 42-798 by DSS Manual Letter No. EAS-89-05, effective 7/1/89.		
42-641	EXEMPTION BASED ON WIN DEMO REGISTRATION OF THE PRINCIPAL EARNER (CODE 11)	42-641
Repealed by DSS Manual Letter No. EAS-89-05, effective 7/1/89.		
42-645	RECONSIDERATION OF EXEMPTION OR NONEXEMPTION	42-645
Repealed by Manual Letter No. EAS-96-02, effective 1/26/96.		

42-650	WIN DEMO RIGHTS AND RESPONSIBILITIES	42-650
---------------	---	---------------

Repealed by Manual Letter No. EAS-96-02, effective 1/26/96.

42-655	PENALTIES FOR REFUSAL OR FAILURE TO REGISTER	42-655
---------------	---	---------------

Repealed by Manual Letter No. EAS-86-08, effective 9/5/86.

42-660	SELECTION FOR PARTICIPATION IN EMPLOYMENT ACTIVITIES	42-660
---------------	---	---------------

Repealed by Manual Letter No. EAS-96-02, effective 1/26/96.

42-675	PROVISION OF SUPPORTIVE SERVICES	42-675
---------------	---	---------------

Repealed by Manual Letter No. EAS-96-02, effective 1/26/96.

42-676	APPRAISAL INTERVIEW AND DEVELOPMENT OF EMPLOYABILITY PLAN	42-676
---------------	--	---------------

Repealed by Manual Letter No. 85-44, effective 7/1/85.

42-677	CERTIFICATIONS	42-677
---------------	-----------------------	---------------

Repealed by Manual Letter No. 85-44, effective 7/1/85.

42-678	REFUSAL TO ACCEPT SERVICES	42-678
---------------	-----------------------------------	---------------

Repealed by Manual Letter No. 85-44, effective 7/1/85.

42-680	MANDATED SUPPORTIVE SERVICES	42-680
---------------	-------------------------------------	---------------

Repealed by Manual Letter No. EAS-96-02, effective 1/26/96.

42-682	OPTIONAL SUPPORTIVE SERVICES	42-682
---------------	-------------------------------------	---------------

Repealed by Manual Letter No. EAS-96-02, effective 1/26/96.

NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY WORK INCENTIVE DEMONSTRATION PROGRAM		Regulations
42-685		
42-685	CWD RESPONSIBILITY FOR REGISTRANT SUPERVISION	42-685
Repealed by Manual Letter No. EAS-96-02, effective 1/26/96.		
42-686	REGISTRANT STATUS CHANGE NOTIFICATIONS	42-686
Repealed by Manual Letter No. EAS-96-02, effective 1/26/96.		
42-688	CAUSE DETERMINATIONS AND CONCILIATION	42-688
Repealed by Manual Letter No. EAS-96-02, effective 1/26/96.		
42-690	PENALTIES FOR REFUSAL TO REGISTER	42-690
Renumbered to 42-655 by Manual Letter No. 85-44, effective 7/1/85.		
42-691	DEREGISTRATION AND SANCTIONS	42-691
Repealed by Manual Letter No. EAS-96-02, effective 1/26/96.		